

IC 14-31-3

Chapter 3. Ginseng

IC 14-31-3-1

"Buy" defined

Sec. 1. As used in this chapter, "buy" includes the following:

- (1) Offer to buy.
- (2) Trade or offer to trade.
- (3) Barter or offer to barter.

As added by P.L.1-1995, SEC.24.

IC 14-31-3-2

"Ginseng" defined

Sec. 2. (a) As used in this chapter, "ginseng" refers to American ginseng (*Panax quinquefolius* L.).

(b) The term does not include ginseng that is:

- (1) ready for consumption; and
- (2) sold or bought at retail.

As added by P.L.1-1995, SEC.24.

IC 14-31-3-3

"Ginseng dealer" defined

Sec. 3. (a) As used in this chapter, "ginseng dealer" means a person who buys ginseng roots from ginseng harvesters or other ginseng dealers for resale or exportation.

(b) The term does not include a person who sells solely for domestic consumption.

As added by P.L.1-1995, SEC.24.

IC 14-31-3-4

"Harvest season" defined

Sec. 4. As used in this chapter, "harvest season" means the season established by the commission under section 14(b)(1) of this chapter.

As added by P.L.1-1995, SEC.24. Amended by P.L.44-1999, SEC.1.

IC 14-31-3-5

"Sell" defined

Sec. 5. As used in this chapter, "sell" includes the following:

- (1) Trade.
- (2) Barter.
- (3) Offer to sell, trade, or barter.

As added by P.L.1-1995, SEC.24.

IC 14-31-3-6

"Wild ginseng" defined

Sec. 6. As used in this chapter, "wild ginseng" means ginseng in or harvested from the ginseng's native habitat, whether the ginseng:

- (1) occurs naturally from that habitat; or
- (2) was introduced or increased in abundance by:
 - (A) sowing ginseng seed; or

(B) transplanting ginseng plants from other areas.
As added by P.L.1-1995, SEC.24.

IC 14-31-3-7

Dealer's license required

Sec. 7. A person must have a license issued by the department to be a ginseng dealer in Indiana.
As added by P.L.1-1995, SEC.24.

IC 14-31-3-8

License requirements

Sec. 8. (a) To obtain a ginseng dealer's license, a person must do the following:

- (1) Apply to the department for the license in the manner prescribed by the department.
- (2) Pay a license fee of one hundred dollars (\$100) before August 15 of each year.

(b) A ginseng dealer's license expires annually on August 31.

As added by P.L.1-1995, SEC.24. Amended by P.L.186-2003, SEC.76.

IC 14-31-3-9

Summary of sales transactions; "selling season" defined

Sec. 9. (a) As used in this section, "selling season" means the season established by the commission under section 14(b)(2) of this chapter.

(b) Each ginseng dealer shall submit a summary of all ginseng purchased and sold by the ginseng dealer during the selling season to the department within thirty (30) days of the last day of the selling season. The summary must also contain other information and be prepared in the manner required by the department by rule.

As added by P.L.1-1995, SEC.24. Amended by P.L.44-1999, SEC.2.

IC 14-31-3-10

Harvest season; limitations

Sec. 10. (a) Wild ginseng may not be harvested except during harvest season.

(b) Ginseng harvested in Indiana may not be possessed by a ginseng harvester during the part of a year established under section 14(b)(3) of this chapter, unless the department gives written authorization otherwise.

(c) Ginseng harvested in Indiana may not be bought, sold, or possessed by a ginseng dealer during the part of a year established under section 14(b)(4) of this chapter, unless the department gives written authorization otherwise.

(d) Ginseng that is harvested in Indiana may not be taken from Indiana without written authorization from the department.

As added by P.L.1-1995, SEC.24. Amended by P.L.44-1999, SEC.3.

IC 14-31-3-11

License revocation

Sec. 11. (a) The department may, after notice and a hearing, revoke or suspend the license of a person who violates this chapter. All proceedings under this chapter to revoke or suspend a license shall be conducted in the manner prescribed by IC 4-21.5-3.

(b) If a court determines that a person has violated this chapter, the court may, in addition to any other penalty, do the following:

- (1) Suspend or revoke the license of the person for any period of time for which the license was issued.
- (2) Order that a license not be issued to the person for a period not longer than five (5) years.

As added by P.L.1-1995, SEC.24.

IC 14-31-3-12**Scientific research**

Sec. 12. The department may carry out scientific research on ginseng to determine the following:

- (1) The distribution and abundance of ginseng throughout Indiana.
- (2) The effects of current and future harvesting and cultivation practices on the survival of ginseng in Indiana.

As added by P.L.1-1995, SEC.24.

IC 14-31-3-13**Harvesting quotas**

Sec. 13. The department may establish ginseng harvesting quotas based on the results of research and data collection.

As added by P.L.1-1995, SEC.24.

IC 14-31-3-14**Rules**

Sec. 14. (a) The department may adopt rules under IC 4-22-2 that are necessary to carry out this chapter.

(b) The commission shall adopt rules under IC 4-22-2 to do the following:

- (1) Establish the harvest season.
- (2) Establish the selling season.
- (3) Establish the part of a year when ginseng harvested in Indiana may not be possessed by a ginseng harvester without written authorization from the department.
- (4) Establish the part of a year when ginseng harvested in Indiana may not be bought, sold, or possessed by a ginseng dealer without written authorization from the department.

As added by P.L.1-1995, SEC.24. Amended by P.L.44-1999, SEC.4.

IC 14-31-3-15**Violations; dealing without a license**

Sec. 15. A ginseng dealer who:

- (1) purchases ginseng without a license; or
- (2) obtains a license because of a false or an incorrect

statement;
commits a Class B misdemeanor.
As added by P.L.1-1995, SEC.24.

IC 14-31-3-16

Violations; harvesting out of season

Sec. 16. A person who harvests ginseng out of a harvest season in violation of section 10 of this chapter commits a Class B misdemeanor.

As added by P.L.1-1995, SEC.24.

IC 14-31-3-17

Violations; processing out of season

Sec. 17. A person who possesses unprocessed ginseng out of a harvest season in violation of section 10 of this chapter commits a Class B misdemeanor.

As added by P.L.1-1995, SEC.24.

IC 14-31-3-18

Violations; exceeding quotas

Sec. 18. A person who harvests ginseng in an amount greater than a quota established under section 13 of this chapter commits a Class B infraction.

As added by P.L.1-1995, SEC.24.

IC 14-31-3-19

Violations; dealing out of season

Sec. 19. A ginseng dealer who buys, sells, or possesses ginseng in violation of section 10 of this chapter commits a Class B misdemeanor.

As added by P.L.1-1995, SEC.24.

IC 14-31-3-20

Violations; exporting out of season

Sec. 20. A person who, without written authorization from the department, takes or sends from Indiana ginseng that is harvested in Indiana in violation of section 9 of this chapter commits a Class A misdemeanor.

As added by P.L.1-1995, SEC.24.

IC 14-31-3-21

Violations; ginseng harvested out of state

Sec. 21. A person who knowingly or intentionally:

- (1) takes or sends from Indiana ginseng that was harvested in another state for export from the United States; or
- (2) receives ginseng that was harvested in another state for export from the United States;

without written authorization to export the ginseng under the laws of the state in which the ginseng was harvested commits a Class A misdemeanor.

As added by P.L.1-1995, SEC.24.